

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No. 79/99

Date of Order : 11.3.99

BETWEEN :

S.Noor Mohammad

.. Applicant.

AND

1. The Telecom District Manager,
Anantapur.2. The Chief General Manager,
Telecommunication,
Doorsanchar Bhavan,
Hyderabad.

.. Respondents.

- - -

Counsel for the Applicant

.. Mr.T.V.V.S.Murthy

Counsel for the Respondents

.. Mr.B.N.Sharma

- - -

CORAM :

HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (JUDL.)

- - -

O R D E R

{ As per Hon'ble Shri B.S.Jai Parameshwar, Member (Judl.) }

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Mr.T.V.V.S.Murthy, learned counsel for the
applicant and Mr.B.N.Sharma, learned standing counsel
for the respondents.




.. 2 ..

2. The applicant herein was engaged as a casual mazdoor under the control of the respondents from 15.3.94 to 20.5.96 with artificial breaks and submits that he had completed 25 days of casual service. Subsequently he was reengaged in the year 1996.

3. The applicant relying upon the order passed in OAs. 152, 310, 313, 347, 408, 647, 648, 691, 692, 693 of 1989 on 27.3.91 and the instructions given by the respondent authorities has filed this OA praying for a declaration that he is entitled to reengagement as casual mazdoor under the control of R-1 in terms of the instructions issued by the Director General, Telecommunications and also as per the Lr.No.TA/LC/1-2/III, dated 21.10.91 and Lr.No.TA/RE/20-2/Rlgs/Corr dated 22.2.93 issued by R-3.

4. The respondents have filed the reply contending that there is delay and that the applicant was not continuously working in any perticular year he was engaged as casual labour dehorse the rules and that he is not entitled for any further benefits. They/ upon the decision in State of Haryana v. Surinder Kumar and others 1997 SCC (L&S) 844.

5. The applicant was initially engaged on 6.4.94. Subsequently he was re-engaged in 1996. The applicant




has filed this OA only on 7.1.99. The applicant has not approached this Tribunal in time. As contended by the respondents the application is liable to be dismissed only on account of delay and laches. But we feel it proper to direct the respondents to re-engage him if there is work and there is need to engage casual labour the case of the applicant shall be considered in preference to a fresher from the open market. But such engagement will not count for purpose of service benefits only for that during such engagements


6. In the result, the following direction is given :-
shall be considered

The case of the applicant/for engagement as a casual labour in future, if there is work and need to engage a casual labour in preference to freshers from the open market. But such engagement will not give any claim to the applicant to reckon his earlier service benefits.

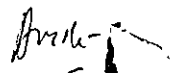
7. The OA is ordered accordingly. No costs.


(B.S. JAI PARAMESHWAR)
Member (Judl.)

11.3.99


(R. RANGRAJAN)
Member (Admn.)

Dated : 11th March, 1999
(Dictated in Open Court)


16.3.99

Copy to:

1. HDHND
2. HHRP M(A)
3. HBSJP M(J)
4. D.R.(A)
5. SPARE

1ST AND 2ND COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD.

THE HON'BLE MR. JUSTICE D.H. NASIR:
VICE - CHAIRMAN

THE HON'BLE MR. H. RAJENDRA PRASAD:
MEMBER (A)

THE HON'BLE MR. R. RANGARAJAN :
MEMBER (A)

THE HON'BLE MR. B. S. JAI PARAMESWAR
MEMBER (J)

DATED: 11/3/99

ORDER/JUDGEMENT

MA./RA./CP.No.

IN

O.A. NO. 79/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED.

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

SRR

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